

CMP 3152/2008 in CWP 1209/2005

12.8.2009 Present: Mr. Ajay Sharma, Advocate, for the applicants.
Mr. Subhash Sharma, Advocate, for the respondents.

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It is clarified that on 25.6.2007 this Court in CWP No. 1209 of 2005 was dealing with the impugned award dated 2.8.2005 passed by the Labour Court-cum-Industrial Tribunal, Dharamshala, District Kangra in Reference No. 1/1998 (RBT No. 152/04). This Court had remanded the matter back for the reason that the parties were ad-idem on the issue that no fair opportunity of representation stood afforded to them. Even though specifically not observed but the impugned award thus was set aside and that is why the matter was remanded back to the Tribunal for consideration afresh on merits.

Now the Tribunal in terms of its award dated 6.8.2008 has held as under:

"19. The award dated August 2, 2005 of this Court having not been set aside by the Hon'ble High Court of Himachal Pradesh and the matter having been remanded to this Court on the aforementioned limited point, I do not think I can set aside the award in view of what has been held by me. The file after completion be consigned to the record room."

It is clarified that the Tribunal may pass the final operative portion of the award as though no earlier award dated 2.8.2005 was in existence. The C.M.P. is disposed of.

(Sanjay Karol),
Judge.

**August 12, 2009
(PK)**